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April 30, 1998

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RE: Reply Comments
FCC File Nos. RM-9208 and RM-9242

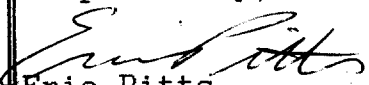
Dear Commissioners,

I am writing to you as an Operations Manager of an AM and FM station in Southeastern Illinois. My thoughts are in reference to the commissions consideration of the licensing of new low power radio stations.

I feel very concerned about the possibility of new, low power stations being added to an already overcrowded field of community radio stations. We, as small market radio professionals, serve our communities best interest by providing vital daily information, and life saving information during inclement weather. It is no secret that operating a commercial radio station takes a large amount of capitol and revenue. Please remember that profits are not simply applied to the owners pocketbook. We need more and better equipment to serve the public's best interest. If low power stations begin edging into our "profit" margin, our services will decrease significantly, possibly to the point of shutting the station down. Why should we force the public to look elsewhere for the information that we have been giving them for over 50 years?

Please keep in mind that the majority of broadcasters are in much of the same position as I. We have adopted small market radio as an integral part of our life, and we take the job very seriously, and do it professionally. Please keep that in mind, and do not allow low power radio stations to become a reality.

Respectfully,


Eric Pitts
Operations Manager
WVLN-AM
WSEI-FM

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ENCLOSURE

In the matter before the

FEDERAL COMMUNICATION COMMISSION)

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11 1028
RESPONSE TO REQUEST FOR COMMENT,

"MICROPOWER BROADCASTING"

) RFC No.: RM-9208, RM-9242

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) REPLY COMMENTS
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COMES NOW Gary A. Barrett, radio broadcaster, to plead with the Commission not to adopt the proposal for "micropower broadcasting" as part of its rules.

This proposal, while a valiant attempt to provide more access to the airwaves, is fraught with problems which the Commission may not have the resources to overcome.

First, the proposal is predicated upon First Amendment considerations. The First Amendment entitles each INDIVIDUAL to freedom of speech and expression. A review of the programming of the current (illegal) broadcasters who claim to be "microbroadcasters" finds little speech or expression. Locally, a station called "Iowa City Free Radio" broadcast primarily rock and alternative music with no intended message or expression. Further, a review of communications on the Internet's message system "Usenet" under the category of alt.radio.pirate finds discussion not of political broadcasts, but of the kinds of music that are played on-the-air. Freedom of Speech is

NOT "freedom to play my kind of music on the air" and arguments to this end should be rejected.

Second, the proposal is simply unworkable. It asks the Commission to impose upon its already overwhelmed staff (which is not able to adequately enforce existing rules) to implement a "cellular" scheme for each community in the United States, to oversee the operation of these stations and ensure that both existing broadcasters and new micropower licensees do not violate interference and other broadcast rules of this Commission. Further, the Commission staff must ensure there is only one licensee to each site and must mediate all license challenges are likely to ensue.

I would remind the Commission that it has already dedicated radio spectrum for virtually unregulated free expression. The Citizens Radio Service remains available for two-way communications between individuals. However, should the Commission seek to implement these rulemaking requests to allow "broadcasting", it should be reminded of what occurred when restrictions on Citizens Radio Service operation were lifted: Channels became crowded, interference due to over-use and abuse made transmission impossible. This should not be permitted to happen to the broadcast airwaves and unless the Commission is prepared to dedicate the resources necessary to police the broadcast spectrum to ensure the public is not subject to interference, the rulemaking request should be denied.

Existing local AM and FM broadcasters are doing a much better job of providing minority, community and foreign groups access to the airwaves than

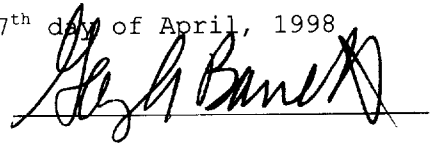
are those who call themselves "microbroadcasters" today. On our station, KCRG-AM, our daily talk show has hosted countless forums for community discussion of the issues in OUR community. The argument that the airwaves are controlled by "large corporations" is unfair and untrue. Local radio stations succeed when they meet the needs and demands of the local population. That includes news, public affairs, community announcements, sports...things few "micropower" stations have offered.

Finally, those who are requesting a separate "micropower" class of license allege that obtaining a non-commercial educational license under existing rules is cost-prohibitive. I would disagree. Transmission equipment, audio processing and control devices can be purchased for less than \$5000. I would challenge anyone supporting this proposal to find any type-accepted equipment under their proposal for lower cost. Those who want to offer "alternative" programming have the existing option in their community by forming non-commercial 100-watt FM stations through petition to the Commission for licensure. Plus, the restrictions on tower height, etc., make the coverage area of such stations roughly equal to those proposed in this rulemaking request.

I would employ you to take a close examination of the "micropower" proponents. Please compare their names against the list of individuals who have already shown their disdain for existing Commission rules by broadcasting illegally. Most of the higher-profile cases have justified their transmissions by saying FCC regulation was "illegal" or "immoral"> If

this is so, it is unlikely any new regulation would be considered differently.

Dated this 27th day of April, 1998

A handwritten signature in black ink, appearing to read "Gary A. Barrett", written over a horizontal line.

Gary A. Barrett
1534 3rd Avenue SE #3
Cedar Rapids, IA 52403

April 25, 1998

Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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Re: Petition for a Microstation Radio Broadcasting Service
Rulemaking Number RM-9208

Dear Commission:

The proposal submitted by Nickolaus Leggett, Judith Leggett and Donald Schellhardt, Jr. has merit only insofar as it advocates the establishment of an affordable micropower radio system that is locally owned and locally operated. The problem with their proposal is threefold:

- a) it proposes that micropower stations operate at one watt of power, which is too low to be practical;
- b) it proposes that only one channel be allocated to the service, which is far too little;
- c) it proposes that the stations be owned and operated for profit by entrepreneurs, which fails to address one of the major problems with U.S. broadcasting -- that not-for-profit groups have little access to the airwaves.¹

We would like to point out -- and we are willing to argue this is a rulemaking or in court -- that the FCC's ban on low-power broadcasting has contributed to the increasing concentration in retailing industries and to the high costs of campaigning for public office. The reason why the ban on low-power broadcasting has contributed to increasing concentration in retailing is that currently licensed large-power stations provide economies of scale in advertising to chain stores, and discriminate against small retailers, who have no need, nor can afford, to buy the audiences of large-power stations. If low-power, neighborhood broadcasting stations existed, small retailers could target local consumers and not be burdened with the massive waste produced by advertising on large-power stations. We believe the FCC's ban on low-power broadcasting violates both the spirit and intent of U.S. anti-trust laws.

The same argument holds for candidates for public office. City council candidates, U.S. House candidates, and other political candidates are forced to buy time on large-power stations, even though their constituencies reside in a small part of most ADIs. They are forced to buy time on these stations because low-power, localized radio does not exist in the United States. It is because the FCC has forced candidates to buy time on large-power stations, which is costly and wasteful for candidates, that the costs of campaigning for public office have escalated so sharply.

1. See Supplemental
EXHIBIT

¹Robert McChesney, *Mass Media, Telecommunication and Democracy* argues that the Federal Radio Commission and the FCC adopted regulations making it difficult, if not impossible, for non-profit groups to obtain broadcasting licenses.

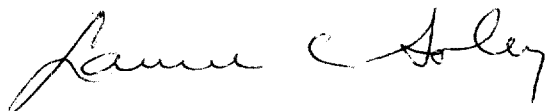
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FCC MAIL ROOM

Which brings us to micro-radio. Micro-radio stations should be allowed to carry commercials for small retailers and candidates for public office, but the stations should be licensed to non-profit groups (501 C-3) rather than profiteers. Non-profit organizations serve the public interest far better than national and multinational for-profit corporations or entrepreneurs, who currently operate most of the broadcasting station in the United States. If the FCC is interested in diversifying ownership, providing licenses for micro-radio stations to non-profit groups is a perfect way to achieve its diversity goal.

The power of micro-power stations should be greater than one watt and less than the current limit of 100 watts. Fifty watts would be a sensible power range, unless the licensees can demonstrate that more power is needed to cover their councilmanic or congressional district.

Lastly, the FCC should assign current translator frequencies to micro-power stations. The assignment of translators, as everyone knows, is wasteful. If a station needs a translator, it should have a power of no more than one or two watts. The FCC can assign one frequency per market in the FM band, as the Leggetts propose concerning microstations, for translators. Existing translator frequencies can therefore be made available to micro-power stations.

Sincerely,



Lawrence Soley

Executive Director,

Wisconsin Center for First Amendment Studies, Inc.
1011 N. Old World Third St.
Milwaukee, WI 53202